

REMARKS

Examiner has rejected Claims 1-9 and 23 under 35 U.S.C. § 103(a) as being unpatentable over *Jefferies et al.* (US 5,898,391), Claim 13 under 35 U.S.C. § 103(a) as being unpatentable over *Jefferies* '391 in view of *Bantli* (US 5,657,008), and Claim 24 under 35 U.S.C. § 103(a) as being unpatentable over *Jefferies* '391 in view of *Kelley* (US 4,878,050). In response thereto and to further clarify Applicant's invention, Applicant has amended Claims 1 and 24 to more succinctly claim and distinguish Applicant's device, and respectfully traverses Examiner's rejections.

With respect to Claim 1, Examiner refers to the "command vehicle controllers" of *Jefferies* '391, noting that it is not "specifically stated that the controllers is a master computer," but further concluding that "it would have been obvious to one of ordinary skill in the art to use computer to control vehicle disablement...." Applicant respectfully points out, however, that the *Jefferies* '391 system does not define the referenced "final controllers 18" of the figures. Although the reference number 18 is never specifically mentioned in the *Jefferies* '391 specification text, an indirect definition can be drawn at Col. 4, lines 38-44: "Control function that can be implemented include: Lock and unlock vehicle, start engine, warm seat, in-vehicle navigation, 2-way coverage 260+ cities, self-triggered by alarm function, sleep mode with periodic wake up, log, and locate, headlight-on/off, audible

alarm sound, auto door lock, shock sensor." These types of "controls" are not the same as disclosed by Applicant and thus, even if the *Jefferies* '391 system were modified to incorporate the vehicle master computer, Applicant's invention would not be suggested.

Although Applicant's system could potentially be utilized to accomplish the remote tasks of *Jefferies* '391, the focus of Applicant's invention is not toward preparing an un-manned vehicle, but for overriding vehicle control in a manned vehicle. That is, Applicant's invention enables the transmission and reception of signals and data to and from an occupied and operational vehicle. *Jefferies* '391 does not consider any such in-depth monitoring or functional control during use, but merely offers periodic locational sensing and disabling in the event of unauthorized use. There is no provision for, nor discussion of, any type of operational vehicle control or specific limitation, including geographic or speed, or any other type of control for an authorized user.

Applicant has amended Independent Claim 1 to more succinctly describe the ability of Applicant's system to "override driver operator control and dictate specific limitations and performance parameters for an operational vehicle. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art," *In re Royka*, 490 F.2d 981

(CCPA 1974); thus, Applicant respectfully asserts that the amended Independent Claim 1 is not obvious. Further, because “[i]f an independent claim is nonobvious under 35 USC 103, then any claim depending therefrom is nonobvious,” *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1985), remaining dependent Claims 2-9, 13 and 23 are also not obvious.

Specifically referring to Examiner’s rejection of Claim 24 as being unpatentable over *Jefferies* ‘391 in view of *Kelley* (US 4,878,050), Applicant respectfully clarifies that unlike *Kelley* ‘050, Applicant’s system is not attempting to “remotely activate a traffic signal,” but is enabling an automated activation of traffic monitoring devices, like cameras, for reporting or otherwise notifying authorities of violations. Page 7, lines 14-17. The purpose of *Kelley* ‘050 is to enable emergency vehicles to control traffic signals in order to quickly and safely travel to and from emergencies by affecting the flow of traffic. Applicant’s system does not attempt to control the flow of traffic, or to control a traffic signal. Applicant’s system remotely activates monitoring or surveillance devices, such as cameras placed in intersections, enabling an automated recordation of the monitored vehicle committing a violation, such as running a red light.

Applicant has amended Claim 24 to more succinctly state the nature of the traffic devices monitored and/or activated, that is, “surveillance” devices. *Kelley* ‘050 is specifically limited to a

"master" vehicle situation, wherein traffic flow patterns can be affected thereby. No consideration of non-continuous, but automatedly activated surveillance and reporting method is even mentioned. Further, to modify *Kelley '050* to accomplish such a function would depart from intention thereof, which is specifically NOT to enable the target to communicate or control in any way, but to become subject to the master vehicle. In light of Applicant's present amendment to clarify the surveillance nature of the traffic monitoring devices automatically activated by Applicant's system, Applicant respectfully asserts that all the claim limitations of Applicant's invention are not found in the prior art.

Applicant notes Examiner's allowance of Claims 25 and 26, and provisional allowance of Claims 10-12 and 14-22, as allowable but dependent upon a rejected base claim. Given Applicant's amendment hereinabove to Independent Claim 1, Applicant believes that all claims are now in condition for allowance.

CONCLUSION

The above-made amendments are to form only and thus, no new matter was added. Applicant respectfully believes that, based upon the forgoing, the Claims and application in condition for allowance. Should the Examiner have any further questions and/or comments, Examiner is invited to telephone Applicant's undersigned Attorney at the number below.

Respectfully submitted, this 1st day of June, 2005.



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